

## New Modes of Governance in New Member States

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### 1. Introduction

The cultures of Central and Eastern European countries were, to a large extent, shaped in the period of communist rule. Since 1989 they have evolved in the process of democratisation, transition to market economy and – last but not least – EU adjustment. But their structures are still over centralized and formalized, untransparent and ineffective in responding to new challenges. Frequently informal and often pathological practices make the excessively rigorous structure more flexible. But they also provide favourable conditions for capture of the state and its agencies by various interests.

Public administration of new member states must be strengthened by more effective execution of law and formal procedures. That often means further formalization. At the same time, the European Commission recommends the introduction and enhancement of the New Modes of Governance (NMG), which are often based on informal coordination, communication, negotiations and trust. It is assumed that NMG may thus contribute to the increased efficiency of hierarchical structures, by the creation of task groups, the introduction of horizontal information flow, consultations and dialogue. However, they may also reinforce certain pathological practices within the administration, because of their informal nature. For instance, they may weaken the effectiveness of the implementation of EU law and procedures, including the expenditure of structural funding, by involving a number of interest groups in the process. They could also strengthen capture of the state administration.

The main question of the project was: are NMG effective only in well developed efficient bureaucracies with properly functioning

procedures or can they also work in weak bureaucracies? In case of weak states, do NMG, by virtue of their own internal logic, reinforce the features characteristic for those states? Should the weak states first go through a period of implementation of efficient Weberian bureaucracy or can they start implementing the New Modes of Governance right away? And therefore, do the New Modes of Governance contribute to the improvement of the existing decision-making processes, by making them more flexible and more legitimate or just the opposite, do they contribute to reinforcing the pathologies characteristic of a weak state?

We formed two, to a certain extent contradictory, hypotheses:

1. The CEE countries are not ready to implement the new modes of governance. There is a need, first, to re-establish the "old" modes through strengthening the rule of law, reform the judicial system, improve the quality of legislation as well as implement hierarchical supervision and accountability in state institutions.
2. NMG should be implemented in the new member states right away because they "compensate" for the weaknesses of inflexible ineffective administration. They could also contribute to greater transparency and increase the role of social dialogue thus increasing public control over administration. As a consequence, the legitimacy of administration will increase.

### 2. Main results

The main conclusion from our research is the following: the new modes of governance are poorly and superficially introduced into the administrative practices of the new member states. The main reason for their superficial implementation, if they are implemented at all, they are done so through

usual administrative practices which owe their legacy to the socialist regime. The considerable extent of subordination of the administration to the ruling communist party led to strong centralisation, hierarchical management, almost exclusively vertical information and decision flow and the administration being almost completely cut off from the public and society.

Furthermore, in Poland as in other new EU member states, the introduction of the new modes of governance has been hampered by the traditional understanding of effectiveness. Improving the effectiveness of administration has been construed as increasing centralisation and tightening control. This is why hierarchical, vertical decision and information flows have been treated as good methods to improve effectiveness.

The new modes of governance have been rejected in Poland for another reason: they may reduce the influence of party politics on the administration. In Poland, the level of politicisation of the administration is very high as is the degree of state and agency capture. The new modes of governance could make this much more difficult. They increase the openness of the administration towards the public, its transparency and the level of control by social partners. That is why they pose a threat to the influence exerted by political parties.

One of the main reasons why these modes are so poorly implemented in the new member states, including Poland, is also the lack of appropriate EU legislation concerning the NMG. What is more, it is possible to note a contradiction between individual EU standards which reduce the possibility of a more effective introduction of the new modes of governance. For instance, there is a contradiction between certain new modes and the regulations concerning the EU funds expenditure, which clearly favour hierarchical management methods.

The poor implementation of the new modes of governance is the reason why they do not have any significant impact on the efficiency of the functioning of administration. On the other hand, in the countries under study, NMG have played a role in legitimising the administration. Making the key elements of the proposed reforms known to the public as

well as disseminating knowledge about the implementation of public policies brought about more transparency and a sense of control. As a result, it led to the stronger legitimisation of public activities, including the implementation of European policies. Thus, it also had a wider impact on the process of European integration. On some occasions, the new modes of governance would mainly serve the purpose of increasing the legitimacy of individual political actors (e.g. the government) or non-governmental organisations. In some situations, the introduction of NMG even weakened the ability to be effective in reaching consensus on the direction of public policies and reinforced pathology in the administration (such as the politicisation of administration, clientelism, agency capture, etc.). In some cases, making the information publicly available facilitated the implementation of certain public activities and the absorption of EU funds.

To summarize, it seems that, if only certain conditions are met, the new modes of governance may improve the effectiveness of administrative practice instead of playing just a legitimising role.

### 3. Main recommendations

One of the main reasons for the weakness of the NMG in the new member states is the weakness of the transfer of institutions, regulations and the best administrative practice from the European Union (and from the western member states) to the countries of the region. This is primarily connected with the lack of appropriate regulations in EU law which would provide incentives linked to the introduction of the new modes of governance. Monitoring of the effects of NMG implementation is poor or completely non-existent.

It is therefore important to put more emphasis on motivating and stimulating national administrations to implement NMG. In order to achieve that, the European Commission should show how important NMG are for the EU and should advise representatives of national administrations on the role of NMG. Another important aspect would be the incentives encouraging the implementation and monitoring of the results.

The European Commission together with member states should therefore place a lot

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of emphasis on training. It should become a part of the syllabus in schools training civil servants. NMG could also become a part of the agenda of examinations taken by candidates for state office. The key point is to transfer the good practice of applying NMG wherever they prove to be effective.

More formal and informal support should be given to the activities strengthening professional civil service. More stress should be put on the practical application of regulations concerning openness of information or the public access to information held by public administration.

First, the European Commission should point out how important the new modes of governance are for EU institutions. Such signals are readily picked up by representatives of new member state administrations.

Second, it is worthwhile undertaking extensive information activities, disseminating knowledge of NMG. It should be shown how useful they are for administrative purposes, including a presentation of the NMG best practice. That should be combined with in-

formation about the changing methods of public administration management. It is of key importance to highlight the activity and role of task groups, the role of horizontal information flow or management by objectives.

It would also be advisable to point to examples of the application of NMG in various European policies. This type of knowledge should become common in the new member states, for instance, in the form of academic or press publications, training courses for officials, courses introduced into the syllabuses for schools training future civil servants, etc.

Practical ways to increase the effectiveness of the application of those methods in administration work should also be indicated. That is why it is appropriate that the European institutions should continue to encourage networking and experience sharing between national administrations of the member states dealing with particular European policies. Regular meetings and conferences devoted to the new modes of governance might be an illustration of such practice.

Third, the European Union should increase the level of financial assistance for the implementation of the new modes of governance in public policies, especially in European polices. Such assistance could be addressed to both public administration and to social partners. The point is to provide opportunities for expert analyses to be carried out by social partners. It is known that civil society in the new member states is weak and underfunded, and for many organisations participation in public consultations is a difficulty they cannot overcome on their own. It should be possible to introduce the financing of joint projects implemented between the administration and social partners, including consultation activities.

A way to increase the interest of the new member states in the discussed modes of governance could be to introduce special financial incentives in European programmes. For example, reference to NMG (e.g. increasing the participation of the public in developing and implementing individual solutions) could be awarded with a financial bonus for European projects. The point is to introduce such incentives that

would stimulate a more widespread use of the new modes of governance by social groups and the administration itself.

Fourth, another way could be to introduce more precise requirements for the implementation of NMG (at specified stages of management) in European regulations. For instance, one of the problems faced by the new member states is administrative culture combined with a reluctance to make the activities of officials transparent and with the politicization of the administration. Regulations that would impose the need for greater openness of the administration towards the public, including the European projects they are implemented, may gradually overcome the old habits of officials and politicians.

Fifth, more attention should be paid to the problem of the internal cohesion of European methods of management. The study of the Institute of Public Affairs showed that one of the main problems accompanying the relatively poor implementation of NMG were contradictions between individual management methods recommended by the EU. That is why it is important to examine the consistency of those regulations, both at the level of legislative work and during the implementation of individual European policies. Another challenge is to thoroughly check the conformity of the transferred European standards with domestic law and administrative tradition in individual member states. Conclusions drawn from such an analysis may increase the potential for more effective implementation of the new governance modes in future.

Sixth, and finally, it is important to monitor European policies more closely, from the point of view of the scope within which the new governance modes operate and to check how effective they are. Furthermore detailed research is needed to address the problem of increasing the effectiveness of public activity by using NMG. The point is to find specific arguments showing that those modes may be useful for improving the

quality of performing public tasks and thus may be useful for politicians implementing their electoral programmes and responsible for the efficient and effective implementation of public policies. In cases of failure, the reasons for the ineffectiveness of a particular NMG should be determined and new solutions should be suggested as to how to tackle such problems in future.

### Further reading

This policy brief is based on research carried out within the NEWGOV project no. 17 on “Democratisation, Capture of the State and New Forms of Governance in CEE countries”.

The main goal of the project was to examine the political, organisational and social conditions necessary for a successful implementation of new modes of governance in new member states of the EU. The question posed was how the main features of NMG (such as informal and non-hierarchical structures, reliance on bargaining, dialogue, benchmarking and peer review, naming and shaming, to name but a few) are compatible with the political and organizational cultures CEE countries. The project examined the modes of governance which have emerged in the wake of transition, focusing attention on such organizational and institutional solutions, which bear close resemblance to NMG. In particular, it looked at the development of NMG in the areas relevant for the implementation of *acquis* or – more broadly – the convergence with the ‘European social model.’ The study was carried in Poland, Estonia, Lithuania and Slovakia in 2005-2007.

Further information can be found on the NEWGOV Website in the [special section](#) of project no. 17.